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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,094	03/31/2004	Ching-Min Yang	KH-USI 14	5655

7590  
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02/05/2007

EXAMINER
BERTHEAUD, PETER JOHN

ART UNIT	PAPER NUMBER
3746	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/813,094

**Applicant(s)**

YANG ET AL.

**Examiner**

Peter J. Bertheaud

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: In line 7 of the claims, the phrase "being corresponding to the magnetizing device" should be changed to --corresponding to the magnetizing device--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schob 6,053,705.

Schob discloses a rotary pump comprising a main body 9, providing an inlet and an outlet with a receiving space (see Fig. 1); a magnetizing device 7, being disposed surrounding the main body 9; and a magnet device 1, corresponding to the magnetizing device 7 and being disposed in the receiving space; whereby, the magnetizing device produces a magnetic field inductance to actuate the magnet device moving fluid so that the fluid can be sucked into the main body via the inlet and pushed to pass through the receiving space via the outlet (see col. 2, lines 25-26). Schob further discloses the main body 9 is made of non-magnetic material (see col. 5, lines 36-38). Schob also discloses that the magnetizing device is a stator set 7 and that the stator set includes an iron plate and a coiling set (see col. 5, lines 38-50). Schob further discloses that the magnetizing

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device is a coil 8a-f. Schob also discloses that the magnet device is composed of a magnet 1 and a blade wheel rotor 1b.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schob 6,053,705 in view of Rabilloud 4,720,539.

Schob discloses the invention as discussed above. However, Schob does not teach that the stator set includes a silicium steel plate.

Rabilloud teaches compositions particularly for manufacturing enameling varnishes for electric wires. Rabilloud further teaches that, among other metal alloys, silicium is used for enameling wires and impregnating wire coilings (see col. 1, lines 19-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the pump of Schob, by using a silicium steel plate in place of an iron plate, in order to protect the plate from corrosion (Rabilloud, col. 1, lines 19-25).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schob 6,053,705 in view of Massie 3,884,125.

Schob discloses the invention as discussed above. However, Schob does not teach that the magnet device is a movable magnetic plunger.

Massie (Fig. 8) teaches a variable displacement pump comprising a main body 2, providing an inlet and an outlet with a receiving space (see Fig. 1); a magnetizing device 11, 12, being disposed surrounding the main body 2; and a magnet device 1, corresponding to the magnetizing device 11, 12 and being disposed in the receiving space. Massie further discloses the main body 2 is made of non-magnetic material (see col. 2, lines 12-13) and that the magnet device 1 is a movable magnetic plunger (see col. 2, line 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the compressor of Schob, by making the magnet device a movable magnetic plunger, in order to provide an option for those applications that require a variable flow rate (Massie, col. 6, lines 21-26).

### ***Conclusion***

7. The prior art made of record, noted in the attached form 892, and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PJB

1/31/07



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PRIMARY EXAMINER  
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